

**Town of Gorham
 Planning Board Meeting
 July 10, 2023**

Consent Agenda – Final Subdivision & Site Plan Amendment Review – J. Brown

Investments, LLC is proposing amendments to Bramblewood Estates Subdivision, a residential subdivision with 10 previously approved dwelling units. The property is located on Baxter Lane on Map 25 Lot 7.001 in the Urban Residential (UR) and Development Transfer Overlay (DTO) zoning districts. The applicant is Jackson Brown of J. Brown Investments, LLC. The applicant’s agent is Craig Sweet, P.E., of Terradyn Consultants, LLC.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Site Plan & Subdivision Amendment Review		July 10, 2023

The following staff notes are written to assist the Applicant with compliance to the Town of Gorham Land Use Development Code and are not necessarily inclusive of all project requirements. Staff notes contain review comments and recommendations from Town Staff and may include comments from any of the Town’s peer review consultants, regarding applicability to the Gorham Land Use and Development Code and standard engineering practices.

The Planning Board refers to staff notes during the review process; however, it shall be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

James Anderson, Chair, Gorham Planning Board

1. OVERVIEW

The item was originally approved by the Planning Board in August of 2016 for 10 duplex condo units. In 2021, the plans were modified and approved by the Planning Board to change some of the original approval to allow 8 single family units. One of the condo units was construction prior to that amendment.

This amendment is to modify the size of the single family units approved in 2021 and update the plans with the current developer listed on them. The overall impervious area will be decreased as well. The applicant is represented by Craig Sweet, P.E., of Terradyn Consultants, LLC.

2. WAIVER REQUEST

The applicant has not requested any waivers.

3. ITEMS OF NOTE

a) Maine DEP Approval: The applicant states they will not need to update the original Stormwater Permit, Natural Resources Protection Act Permit, or the Construction General Permit.

4. AERIAL PHOTOGRAPHS

An aerial photograph showing the project area, sourced from Google Earth, is included below.



5. STAFF REVIEWS

Assessing Department: No comments

Code Department: No comments

Fire Department: 6/23/2023

MAP 25 Lot 7 - 1

I have reviewed the plans stamped June 15, 2023

1. The buildings will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1. All buildings shall be properly numbered in accordance with E911 standards including height, color and location.
2. All the Gas Meters and or Propane Tanks (If used) will require protection. Please provide what the plan is for AHJ prior approval before installing.
3. **Past history has repeatedly shown that private ways are very poorly maintained, and wintertime poses a very serious issue of emergency vehicle access, with very little enforcement options available to the Town. Therefore, I would state for the record and make notice that the Fire Department cannot and will not be held responsible for incidents where we cannot gain access to buildings or incidents on these private ways that are not properly maintained**
4. All other requirements are listed in Condition of Approval.

No other requirements at this time.

Planning Department: 6/30/2023

As of this writing, the applicant has not submitted information to prove technical capacity.

Police Department: No comments

Public Works Department: No comments

**TOWN OF GORHAM PLANNING BOARD
SUBDIVISION and SITE PLAN REVIEW
AND FINDINGS OF FACT**

**For
BRAMBLEWOOD ESTATES AMENDMENT**

July 10, 2023

Applicant: The applicant is J. Brown Investments, LLC, 439 Main Street, Suite 201, Saco, ME 04072.

Property: The lot is identified as Tax Map 25, Lot 7.001 and is located at Baxter Lane.

Consultant: Craig Sweet, P.E. #15060, Terradyn Consultants, LLC.

Project Description: This amendment is to change the ownership, reduce the size of the dwelling units, and reduce the impervious coverage.

Site Description: The parcel is 4.00 acres in size and has access to Bramblewood Lane and South Street. Some of the lot remains wooded. There exists one of the originally approved duplex units, roadway, and stormwater detention.

Applicability: Review under the Subdivision and Site Plan regulations identifies the Planning Board as having review and approval authority.

Zoning: Urban Residential – (UR) District where the use of single-family homes and two-family homes is a permitted use per Chapter I, Section VI, Subsection B. 1) and Subsection D. of the Code. The lot is also located in the Development Transfer Overlay District and the Shoreland Overlay District.

Variances: None required.

Waivers: None requested.

Pursuant to the Application:

The subdivision and site plan were originally approved in August, 2016. This is an amendment review to change the ownership, reduce the size of the dwelling units, and reduce the impervious coverage.

The projects and plans and other documents considered to be a part of the approval by the Planning Board in this ruling consist of the following:

Terradyn Consultants, LLC. Plans (the plans) for a Subdivision, prepared by Craig Sweet, P.E., consist of the following:

Subdivision & Site Plans

Sheet C-1.0: Site Plan and Subdivision Plan – as revised through 06/09/2023; received 06/15/2023

Sheet C-2.0: Grading Plan - as revised through 06/09/2023; received 06/15/2023

Sheet C-3.0: Utility Plan - as revised through 06/09/2023; received 06/15/2023

Other documents submitted consist of the following:

Site and Subdivision Plan Application – 6/15/2023

Proposed Elevations – 6/15/2023

Letter of Financial Capacity – 6/30/2023

Gorham Assessor Comments – NA

Gorham Fire Chief Comments – 6/23/2023

Gorham Town Planner – 6/26/2023

Abutters Comments - NA

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

The Planning Board, following review of the Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter III, Subdivision, Section III – C. Preliminary Plan Review, and Section IV – D. Final Plan Review.

C. PRELIMINARY PLAN REVIEW

2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:

a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter II.

Finding: Bramblewood Estates Subdivision conforms to the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

Finding: Bramblewood Estates Subdivision will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

c) Will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

Finding: Bramblewood Estates Subdivision will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

Finding: Bramblewood Estates Subdivision provides for adequate water supply for present and future needs.

e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

Finding: Bramblewood Estates Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

Finding: Bramblewood Estates Subdivision will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

Finding: Bramblewood Estates Subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

Finding: Bramblewood Estates Subdivision will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

Finding: Bramblewood Estates Subdivision will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

j) Financial Capacity to meet Subdivision Regulations. The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations. The Board will not approve any plan if the applicant has not proven its financial capacity to undertake it.

The applicant submitted a letter dated June 29, 2023 from Jennifer Sirois, Regional Vice President of Maine Community Bank that shows financial capacity.

Finding: The applicant has financial capacity to construct the proposed improvements and meet the standards of these regulations.

3) Every subdivision shall be responsible for providing open space and recreational land and facilities to the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter VIII.

Finding: Bramblewood Estates Subdivision is responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:

a) Land Improvements: The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.

b) Owners Association: A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

Finding: Bramblewood Estates Subdivision is proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements and the Stonefield Phase IV homeowners' association shall be required to provide for the perpetual care of commonly owned recreation land.

CHAPTER 3 - SUBDIVISION, SECTION 3-4 C - FINAL PLAN

1)The Planning Board shall review the Final Plan of the proposed development as submitted. It shall verify the provision of all information as required under the above subsections, and the provision of any additional information requested during the Preliminary Review. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

CHAPTER IV, SITE PLAN REVIEW, SECTION 9 – Approval Criteria and Standards

The Planning Board, following review of the Site Plan Application Amendment, makes these findings based on the Site Plan Review criteria found in Chapter 4, Section 9 – Approval Criteria and Standards, of the Town of Gorham Land Use and Development Code.

CHAPTER 4, Section 9 – Approval Criteria and Standards

A. Utilization of the Site: The plan for the development will reflect the natural capabilities of the site to support development.

Finding: The plan for the development reflects the natural capabilities of the site to support the development and the natural features and drainage ways are preserved to the greatest extent practical.

B. Access to the Site: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

Finding: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

C. Access into the Site: Vehicular access into the development will provide for safe and convenient access.

Finding: The vehicular access into the development will provide for safe and convenient access.

D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

Finding: The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.

E. Pedestrian Circulation: The development plan will provide for a system of pedestrian circulation within and to the development.

Finding: The layout of the site provides for a system of pedestrian circulation within and to the development.

F. Stormwater Management: Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

Finding: *The site has adequate provisions for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.*

G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

Finding: *The project, building, and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.*

H. Water Supply: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

Finding: *The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.*

I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

Finding: *The sanitary sewer system will be installed at the expense of the developer meeting the requirements of the sewer user ordinance.*

J. Utilities: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

Finding: *The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.*

K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

Finding: *The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and existing vegetation will be retained insofar as practical during construction.*

L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

Finding: *The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.*

M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

Finding: *The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.*

N. Waste Disposal: The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

Finding: *The development will provide for adequate disposal of solid wastes and hazardous wastes.*

O. Landscaping: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

Finding: *The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.*

P. Shoreland Relationship: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

Finding: *The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.*

Q. Technical and Financial Capacity: The applicant has demonstrated that it has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan. The applicant submitted a letter dated June 29, 2023 from Jennifer Sirois, Regional Vice President of Maine Community Bank that shows financial capacity.

Finding: *The applicant has financial capacity to construct the proposed improvements and meet the standards of these regulations.*

R. Buffering: The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.

Finding: *The development will provide for buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas.*

S. Noise: The applicant has demonstrated that the development will comply with the noise regulations listed in Table 1 – *Sound Level Limits* and the associated ordinances.

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. - 7 p.m.) and 50 dBA nighttime (7 p.m. - 7 a.m.).

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. – 7 p.m.) and 50 dBA nighttime (7 p.m. – 7 a.m.).*

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That all relevant conditions of approval from past approvals shall remain in effect;
4. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
5. The buildings will meet all applicable sections of NFPA 1 *Fire Code* and NFPA 101 *Life Safety Code*. Building plans shall be submitted to the Fire Department for review and placed in Emergency Reporting Program.
6. The buildings shall be protected under the Fire Suppression Systems Ordinance as applicable. The sprinkler plans shall be submitted to the Fire Department and the State Fire Marshal's Office for review and permitting. The plans submitted to the Fire Department shall be submitted at least two weeks prior to the start of the installation of the system. Sprinkler test papers will be required to be submitted to the Fire Department at the time a CO is issued.
7. The buildings shall be properly numbered in accordance with E911 standards including height, color and location. Numbers that can't be seen from the street shall require additional numbers at the street.
8. The hammer head width needs to be 20' wide and 50' deep. Please show measurements on the plans. No drive ways will be allowed off the Hammer Head. Please show driveways on future plans.
9. A "No Parking - Tow Away Zone" or "No Parking - Fire Lane" sign should be added to the hammer head.

10. Street names need to be approved by Police and Fire Chief as well as be properly posted. **Baxter Lane** was pre-approved.

11. That prior to the pre-construction meeting, the applicant will establish an escrow for field inspection meeting the approvals of Town Staff;

12. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements

13. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;

14. That the applicant shall make any required changes to the plan and provide the additional legal documents and homeowners' association documents prior to the Planning Board's signature of the final plan meeting Town Staff and Town Attorney's approvals;

15. That the applicant is responsible for recording the approved homeowners' association documents within ninety (90) days of the date of approval of the subdivision by the Planning Board and a recorded copy of the homeowners' association documents shall be returned to the Planning Department prior to the applicant applying for a pre-construction meeting;

16. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;

17. That the subdivision plans are required to be recorded within one (1) year of original approval or the approval becomes null and void;

18. That once the subdivision plans have been recorded at the Cumberland County Registry of Deeds, a dated copy of the recorded subdivision plan shall be returned to the Town Planner prior to the pre-construction meeting.

SUGGESTED MOTIONS:

MOVE TO APPROVE:

Move to grant final subdivision and site plan approval for J. Brown Investments, LLC request for Bramblewood Estates Subdivision and Site Plan amendments (and finalizing revisions to the plan).